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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 ) CC Docket No. 95-155  
Toll Free Service Access Codes )  
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**COMMENTS IN SUPPORT OF SPRINT'S PETITION FOR  
RECONSIDERATION AND CLARIFICATION**

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July 2, 1997

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Cable & Wireless, Inc. ("CWI") respectfully submits its Comments in Support of the Petition for Reconsideration and Clarification of the Commission's April 11, 1997 *Second Report and Order*<sup>1</sup>, filed by Sprint Communications Company, L.P. CWI is an interstate and international interexchange carrier serving customers throughout the United States.

Like Sprint, CWI supports the Commission's intent to insure equitable distribution of scarce toll free numbering resources and agrees that warehousing is an unreasonable practice that prevents the availability of numbers on an equitable basis, accelerates the depletion of toll free numbers and thus, is contrary to the public interest. Nonetheless, CWI believes that the anti-warehousing provisions adopted by the Commission are excessive and may not serve to promote the FCC's public interest goals.

CWI supports Sprint's request that in lieu of the current requirement for RespOrgs to have an identified subscriber for each toll free number at the time of reservation of the

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<sup>1</sup> Second Report and Order, CC Docket No. 95-155, FCC 97-123, Released April 11, 1997 (hereinafter the "Order").

number, RespOrgs should be allowed to obtain the identified subscriber by the expiration of the 45-day reservation period. If there is no identified subscriber at the end of 45 days, the number must be returned to the spare pool. Sprint's proposal benefits consumers, toll free service providers and SMS database system. Moreover, CWI believes that the proposal in no way compromises Commission's safeguards from warehousing, but rather encourages innovative business practices and avoids unnecessary burdens upon RespOrgs and toll free subscribers.

If RespOrgs would be allowed to reserve a block of toll free numbers so that the consumer would immediately have an internal pool of numbers to choose from, such policy would benefit the consumer, especially in cases when customers need additional toll free numbers in a short time frame. Such scenarios include last minute decisions by the customers to set up toll free numbers for special events or trade shows and toll free numbers for employees and executives who need to access their offices while traveling. If toll free service providers could have a pool of numbers available for such emergencies, they would be able to fulfill a customer's emergency request for toll free numbers faster, thus benefiting the customer through speedier service. Further, the Commission has already recognized that there is a limit to the number of transactions which the data links between the SMS database and the Service Control Points (SCPs) can accommodate in any fixed period. The Commission also expressed concern that with introduction of a new toll free code, the number of data messages these links will carry may exceed the maximum capacity and subsequently compromise the quality of performance of the SMS database system<sup>2</sup>. As Sprint already stated in its Petition, processing reservation requests

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<sup>2</sup> Order at ¶ 81

in batch form would make a more efficient use of the toll free database and would lessen congestion of the data links.

The Commission's Rules adopted in the Order already safeguard numbers from warehousing. Specifically, the shortened reservation period to 45 days and the prohibition on extending the reservation period effectively discourage parties that may intent to perpetually warehouse toll free numbers.

Moreover, the Commission already allowed RespOrgs to reserve more numbers than is immediately needed for a particular subscriber, stating that "*RespOrgs (...) will be able to reserve several numbers for a particular toll free subscriber so that each subscriber can choose the number that best fits its needs before a number is assigned*".

CWI believes that it is important for RespOrgs to be able to order a slight excess of numbers so that a potential subscriber is able to choose a number out of an available pool of numbers. And, as discussed above, it is in the public interest for toll free service providers to have a pool of numbers readily available for customers who may need such numbers urgently and unexpectedly.

The Commission's directive for RespOrgs to be allowed to reserve toll free numbers only when there is an identified subscriber for each number may be appropriate for numbers that were returned to a spare pool after the expiration of the 45-day reservation period and are being re-reserved by the same RespOrgs. Under this scenario, the Commission's policy will more efficiently prevent RespOrgs from keeping numbers in reserved status indefinitely.

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<sup>3</sup> Order at ¶25

With respect to the Commission's directive for DSMI or any successor toll free administrator to monitor and report to the Common Carrier Bureau RespOrgs that *"repeatedly reserve toll free numbers without having an identified subscriber"*<sup>4</sup>, CWI asserts that DSMI has no way of knowing whether a RespOrg has an identified subscriber for a toll free number. Thus the Commission should (1) provide specific guidelines for DSMI on how it is to determine whether a RespOrg has an identified subscriber for the toll free number; or (2) clarify that DSMI can only report to the Common Carrier Bureau alleged warehousing activity. The FCC should be responsible for investigating and determining rule violations.

### CONCLUSION

For the foregoing reasons, the Commission should allow RespOrgs to reserve toll free numbers without having identified subscribers for those numbers for a period of 45 days, as requested by Sprint's Petition for Reconsideration, and clarify the standards for the toll free administrator to determine warehousing violations by RespOrgs.

Respectfully submitted,  
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<sup>4</sup> Order at ¶29